



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,639	08/26/2003	Melvin Deien	PLWL	3902
1688	7590	08/11/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			REIS, TRAVIS M	
		ART UNIT	PAPER NUMBER	
		2859		

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/648,639	DEIEN, MELVIN
Examiner	Art Unit	
Travis M. Reis	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 and 16-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 and 16-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 7/5/5 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 10, 14, 17, 19, & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. (U.S. Patent 5579752).

Nelson discloses a bow sight system (10) for use in conjunction with a pin sight (24), the bow sight comprising a base plate (20) for mounting on a bow (14), the base plate giving a front (18) for orienting forwardly on the bow and a rear (16) for orienting rearwardly on the bow, the base plate having a mounting portion (Figure 4) for being mounted on the bow and a support portion extending from the mounting portion, the base plate being elongated in a longitudinal direction along the base plate and having a longitudinal axis (Figures 2 & 4); a sighting assembly (28) having a sight groove (48) for guiding and aiming the bow, the sight groove extending along an axis oriented substantially parallel to the plane of the support plate, the sighting assembly being mounted on the base plate in a manner (52) so that the sighting assembly is adjustably movable with respect to the base plate along an axis that is substantially perpendicular to a plane of the support portion of the base plate to permit adjustment of the portion of the sight groove of the sighting assembly in a horizontal direction, the sighting assembly being mounted on the base plate in a manner (32) so that the assembly is adjustably movable in a plane that is oriented substantially perpendicular to the longitudinal axis of the base plate to permit adjustments of the sight groove in a vertical direction when the sighting assembly is mounted on the bow, said sighting assembly having a pedestal (26) slidably mounted on the base plate and having a channel (34) formed therein; a mast member (42) mounted on the pedestal with an end

portion of the mast member being positioned in the channel of the pedestal such that a position of the mast member in the channel is adjustable (Figure 3), the sight groove being mounted on the mast member (Figure 2); said sight groove having a length, a width, and a height such that the length has a longer dimension than the width, said sight groove positioning the length such that misalignment of the bow will cause a portion of the sight groove to obscure a view through said sight groove; a bow string (Figure 1) mounted on the bow, the bow sight assembly being mounted on the bow in a position rearward of the bow toward the string for orienting toward an archer when the archer draws the string of the bow (Figure 1); said pin sight assembly mounted on the bow in a position forward of the bow away from the archer such that the bow is located between the pin sight assembly and the bow sight assembly when the string of the bow is drawn (Figure 1); fasteners(32, 56) to lock the position of the sight assembly, said sight assembly including a pair of alignment marks (Figure 4), located between a top of said rear sight and a bottom of said rear sight and on either side of the groove, that align with a pin on said forward sight only when said bow is properly aligned such that the pin is located away from a bottom of said rear sight and wherein said pin is obscured when said bow is misaligned (Figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 9, 11, 12, & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Fredrickson (U.S. Patent 2642661).

Nelson et al. discloses all of the instant claimed invention as stated above in the rejection of claims 1-4, 8, 10, 14, 17, 19, & 20 but do not disclose the groove is in a V shape cross

section.

Frederickson discloses an archery sight (25) with a V shaped groove (58) to give an emergency point of aim in case of the forward sight (57)(Figure 2)(col. 4 lines 20-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to shape the groove disclosed by Nelson et al. in the shape of a V in order to provide an emergency point of aim.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Schroeder (U.S. Patent 4220983).

Nelson et al. discloses all of the instant claimed invention as stated above in the rejection of claims 1-4, 8, 10, 14, 17, 19, & 20 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Nelson et al. in order to sight targets in dim conditions.

6. Claims 7 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. & Frederickson as applied to claims 5, 6, 9, 11, 12, & 16 above, and further in view of Schroeder.

Nelson et al. & Frederickson disclose all of the instant claimed invention as stated above in the rejection of claims 5, 6, 9, 11, 12, & 16 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Art Unit: 2859

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Nelson et al. & Frederickson in order to sight targets in dim conditions.

Response to Arguments

7. Applicant's arguments with respect to claims 1-14 & 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Inquiries concerning this, or an earlier, communication from the examiner should be directed to Travis M. Reis (571) 272-2249; 8--5 M--F. If unreachable, contact the examiner's supervisor, Diego Gutierrez (571) 272-2245. The fax number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) 866-217-9197 (toll-free).

Travis M Reis
Examiner
Art Unit 2859

tmr
August 10, 2005



Diego Gutierrez
Supervisory Patent Examiner
Tech Center 2800

CHRISTOPHER W. FULTON
PRIMARY EXAMINER

U.S. Serial No.: 10/648,639
Applicant: M. Deien
Attorney Docket No. 9305US
EXHIBIT A

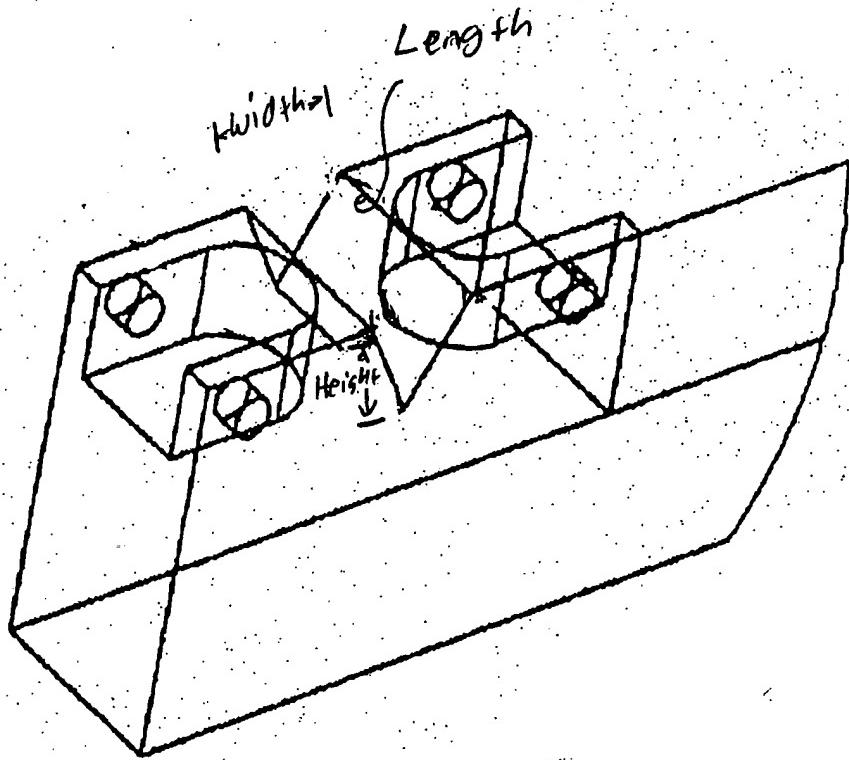


FIG. 11

Approved
TMR 8/10/15